



# Oregon

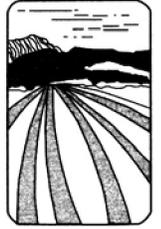
Kate Brown, Governor

Department of Agriculture

635 Capitol Street NE  
Salem, OR 97301-2532

Case Number: 200408  
Case Name: McFarlane's Bark, Schreiber

Case Closed



## Overview

Investigator

Keawe Molifua

Case Reviewer

Michael Babbitt

Date Started 05/15/2020

Date Completed 11/03/2020

ROL Provided?  Yes  No

List Test(s) Requested

Number of Samples Taken 5

Aminopyralid  
Aminocyclopyrachlor  
Clopyralid  
Fluroxypyr  
Picloram

Number of Samples Analyzed 5

Number of Applicators 0

Complaint?  Yes  No

Sample Type  
 Air  Veg  
 Animal  Other  
 Soil  
 Swab  
 Water

Complaint Form Provided?  Yes  No

PARC  Yes  No

Cease & Desist  Yes  No

Type of Investigation NUF

Verified Compliance?  Yes  No

Date Reviewed 11/04/2020

Related Cases

Date Case Completed 11/04/2020

Sixty Days 07/14/2020

One Hundred Twenty Days 09/12/2020

Tracking Devices	Non-target species

Nature	

## Parties Involved

<u>Parties Involved</u>	<u>Last / Business Name</u> <u>Address</u> <u>City</u> <u>Email</u>	<u>First</u>  <u>State</u>	<u>Zip</u>	<u>License #</u> <u>Phone</u> <u>Phone 2</u>	<u>License Type</u> <u>Expiration Date</u> <u>County</u>	<u>Category</u>
<b>Complainant</b>	Schreiber 7491 SE La Paz St. Milwaukie	Kathy  OR		503-329-3309		
<b>Business</b>	McFarlane's Bark 13345 SE Johnson Road Milwaukee	Kathleen McFarlane  OR	97222	503-659-4240		
<b>Grower</b>	Yamhill County 7246 NW Lilac Hill Road YAMHILL	  OR	97148			
<b>Interested party</b>	Warrington	Mary		503-347-2765		
<b>Interested party</b>	Grimms Fuel Company 18850 SW Cipole Rd. Tualatin	Jeff Grimm  OR	97062	503-636-3623		

## Narrative

### **May 15, 2020**

The Oregon Department of Agriculture received a referral from 211 with the following information:

Below is a summary of a call we received on the 211info Pesticide line. Please let us know if you have any questions.

**Caller's First Name:** Cathy

**Caller's Last Name:** Schreiber

**Contact Information:** 503-329-3309

**Timestamp:** 5/15/2020 9:30:39

**Zipcode:** 97267

**For Informational Calls - Nature of Inquire:**

**Incident Report:** Caller suspects there was herbicide in the compost she received.

**Date & Time of Incident:** 4/2/2020 9:00:00

**Caller's Address:** 7491 SE La Paz street Millwaukee

**Who is the caller complaining about?** McFarlain's Barks

**Address/Location of Incident:** 7491 SE La Paz street Millwaukee

**Zipcode of where incident occurred:** 97267

**Telephone number of where the incident occurred:** 503-329-3309

**Land-owner's Name:** Cathy Scheiber

**Pesticide Applicator or Company:** unknown

**EPA Registration # of the pesticide:** unknown

**Call Narrative:** Cathy was calling because NPIC referred her to call 211 to file a report. She suspects a batch of compost she had delivered had herbicide in it. She said that her tomatoe plants looks different. When she did some googling, google suggested they were signs of herbicide exposure. The company, McFarlain Bark, who delivered it says they test for herbicide and told Cathy that it is clean. She is concerned about being poisoned by this if she consumes her tomatoes. I let her know that someone would be in touch if they had questions.

Spreadsheet link: <https://docs.google.com/spreadsheets/d/1uRcaw52fB8mZ8s2L5KsZY8GIvCAybcIY-WgnEIHXYNA/edit#gid=1042096819>

Lead Pesticide Investigator **Mike Odenthal** forwarded the information to me, ODA Pesticide Investigator **Keawe Molifua**, and asked that I pursue this investigation further.

### **May 18, 2020**

## Narrative

I called **Kathy Schreiber** to discuss the pesticide concern. Kathy provided the following information:

- She has damage in plants in her garden
- She thinks that the damage is from compost that may be contaminated with herbicides
- She bought the compost from **McFarlane's Bark**
- She also put the compost around landscape plants, but is not seeing damage in those plants

I explained the pesticide investigation process to Kathy. We scheduled a site visit for May 20, 2020 at 0900 hours.

### May 20, 2020

At approximately 0900 hours, I arrived at the Schreiber Residence at 7491 SE La Paz St. in Milwaukie, Oregon. I introduced myself to Kathy and presented my state identification. Kathy showed me the areas that were potentially affected by pesticides. I saw possible pesticide related damage symptoms on several tomato plants. Kathy provided the following information:

- She has seen damage from plants that were planted in newly purchased compost
- The damage present currently is in small tomato plants in greenhouse
- The damage was also in some garden plants that were planted in the ground; she pruned the top of these plants
- This is the first time that she has planted into this type of compost
- The compost was purchased from McFarlane's Bark
- The type of compost purchased was called Compostuff
- She only used Compostuff
- She has used McFarlane's Bark before, but only used around landscape plants

I decided to take samples to determine if there were pesticide residues present in Kathy's property. I chose to take a series of 2 samples from Kathy's property.

I delivered the samples to the ODA lab in Portland, OR and put them on Priority 1.

### June 3, 2020

I called McFarlane's Bark to discuss the pesticide concern. I talked to Owner **Kathleen McFarlane**. I explained the pesticide concern to her. Kathleen provided the following information:

- Their compost is provided to them from landscapers and residential yard debris dropped off to them
- The compost is made from this yard debris only with no added components

## Narrative

- They have 1,400 commercial accounts and up to 10,000 residential customers that can drop off yard debris in a month
- They compost the provided components for 30 to 60 days depending on the time of year
- They have soil samples sent out every month to California for component analysis
- They have soil biology tests done twice a year
- They have a pesticide analysis performed every year to look for herbicide residues
- Her tests indicate that there are no herbicides present
- She is aware of pesticide contamination possibility
- Does not allow manures in their compost

### **June 4, 2020**

I received the sample results from the ODA lab. The results indicated the presence of residues of the pesticidal active ingredient clopyralid in the sample taken from the tomato plants at Kathy's property.

### **June 8, 2020**

I emailed a request to Kathleen requesting the most recent pesticide residue analysis.

I received an email from Kathleen providing the requested information.

### **June 9, 2020**

I called Kathy to discuss the sample results. I told Kathy that the results indicated the presence of residues of the pesticidal active ingredient clopyralid. I explained the details of the lab analysis. I explained the next steps in the investigative process. Kathy provided the following information:

- Her landscape plants are now showing damage
- They look like they are "melting"

I called Kathleen to discuss the sample results. I left a message requesting a callback.

I emailed a copy of the lab analysis to Kathy.

### **June 10, 2020**

I received a call from Kathleen. I told Kathleen that the results indicated the presence of residues of the pesticidal active ingredient clopyralid. I explained the details of the lab analysis. I explained the next steps in the investigative process. Kathleen provided the following information:

- She thinks Kathy may have purchased soil from Deans or other source
- Kathy told her this information in a previous conversation
- She has concerns about the lab analysis

## Narrative

I requested to look at a list of commercial accounts to contact any parties that may have used clopyralid. I requested to take samples of compost at their facility. We scheduled a time to meet at 1200 hours on June 15, 2020.

### **June 11, 2020**

I called Kathy to get more information about the pesticide concern. Kathy provided the following information:

- She only used Compostuff from McFarlane's Bark
- She is concerned about the situation with McFarlane's Bark moving forward

### **June 12, 2020**

I received a call from Kathy. Kathy provided the following information:

- She remembered that she had also planted some of her plants in a "mushroom compost"
- She got the mushroom compost from **Mary Warrington** from an ad on facebook marketplace
- She does not have the contact information for Mary, but can contact her through facebook

I requested that Kathy contact Mary and send her contact information to me.

### **June 15, 2020**

At approximately 1200 hours, I arrived at the McFarlane's Bark facility at 13345 SE Johnson Road in Milwaukie, Oregon. I introduced myself to Kathleen and presented my state identification. Kathleen provided the following information:

- She was concerned about ODA's news release
- She has had many people call about potential concerns with their soil
- They have done pesticide testing for many years and it has always come back negative
- They have done a test similar to a bioassay every month for many years that would have shown damage symptoms

Kathleen provided me with the requested list of commercial accounts. We walked out the yard to look at the compost piles. I saw several large piles of compost. I requested to take samples from two of the piles: Compostuff (which they call Fine Compo-Stuff) and Scottish Blend. I decided to take two samples of soil to determine if there were pesticide residues present.

I delivered the samples to the ODA lab in Portland, OR and put them on Priority 1.

### **June 19, 2020**

I received the sample results from the ODA lab. The results did not detect the presence of pesticide residues.

**June 20, 2020**

I received an email from Kathleen. Kathleen stated that she thinks ODA should sample from other Fine Compo-Stuff deliveries made on the same day as Kathy's delivery.

**June 21, 2020**

I called Kathleen to follow up on her email. I requested that Kathleen contact the customers that received Fine Compo-stuff on the same day as Kathy and have them contact me.

**June 23, 2020**

I received an email from Kathy. The email provided pictures of landscape plants with potential herbicide damage.

I called Kathy to provide a case update. Kathy provided the following information:

- She has additional damage in her landscape plants
- Her granddaughter has experienced adverse health effects from potential exposure to the herbicide contamination on her property
- She would like a copy of the lab analysis

I emailed Kathy a copy of the lab analysis of the samples taken from her property.

**June 25, 2020**

I emailed a referral to PARC for the adverse health claims by Kathy.

I received an email from Kathy requesting a copy of the case file.

**July 1, 2020**

I emailed a draft copy of the case file in progress to Kathy. I specified that it is a draft copy of an active investigation and will be edited as the investigation continues.

**July 7, 2020**

I called Kathy to follow up on the case. Kathy provided the following information:

- She had a chicken that died because of potential exposure to the herbicide contamination on her property
- The landscape plants that are affected are the trees, roses, vines, and "pretty much everything"
- She has only seen damage in the areas where McFarlanes product was used
- She described the history of her garden plants
  1. Garden plants were started in her house in bagged soil from Costco
  2. Warm vegetable plants (tomatoes, peppers, cucumbers) transplanted into mushroom compost from Mary Warrington / Other plants went straight into the garden
  3. Warm vegetable plants transplanted transplanted into McFarlanes compost only

## Narrative

- She has tried to contact Mary Warrington to discuss contacting me
- She has only watered one time since I came for the site visit at her property
- She would like for me to come and take additional samples from her property

I requested that Kathy send me pictures of her damaged plants and any contact or location information for Mary Warrington.

### **July 8, 2020**

I emailed a followup to Kathy requesting pictures of her damaged plants and any contact or location information for Mary Warrington.

I received an email from Kathy providing the requested pictures of her damaged plants.

### **July 10, 2020**

I called Kathy to schedule a time to meet and look at the affected plants. I told Kathy that I would be accompanied by Mike Odenthal. We scheduled a site visit for July 16, 2020 at 1000 hours.

I received a copy of the Report of Loss Form from Kathy.

### **July 16, 2020**

At approximately 1000 hours, I arrived at the Schreiber Residence at 7491 SE La Paz St. in Milwaukie, Oregon. I was accompanied by Mike Odenthal. Kathy showed us the landscape plants that were potentially affected by pesticides. I saw possible pesticide related damage symptoms. Kathy provided the following information:

- She believes that her landscape plants have also been affected by a Aminocyclopyrachlor
- She is concerned about possible affects of herbicide contamination on the fir trees across the street

I decided to take samples to determine if there were pesticide residues present in Kathy's property. I chose to take a split sample of the soil from Kathy's property. I collected the sample, divided it into two mylar bags, placed an ODA sample seal on the sample bags, and provided Kathy with one of the sample bags.

I delivered the samples to the ODA lab in Portland, OR and put them on Priority 1.

### **July 21, 2020**

I called Mary Warrington to discuss the pesticide concern. I gave Mary an overview of the case. Mary provided the following information:

- She provided leftover compost to people through a Facebook ad
- She purchased the compost from **Grimms Fuel Company** in Portland
- The compost was called "Mushroom Mulch"
- She purchased the compost on February 20, 2020

## Narrative

- Her garden plants appear to be affected by herbicide contamination

### **July 22, 2020**

I called **Jeff Grimm** of Grimms Fuel Company. Jeff provided the following information:

- He has not received any complaints about herbicide contamination this year
- Their product Mushroom Mulch contains 50 percent mushroom compost and 50 percent yard debris
- The yard debris is collected from customers that drop off to their yard
- The mushroom compost is from Yamhill Mushroom Growers
- They do not apply any herbicides

### **August 5, 2020**

I received the sample results from the ODA lab. The results did not detect the presence of pesticide residues.

### **August 10, 2020**

I called Kathy to provide a case followup. I left a message to call me back to discuss the case.

I received an email and text from Kathy requesting the sample results and case file to date.

### **August 11, 2020**

I sent a text to Kathy stating that I would email the requested documents to her.

### **August 13, 2020**

I emailed the requested lab analysis and a draft copy of the case file in progress to Kathy. I specified that it is a draft copy of an active investigation and will be edited as the investigation continues.

I received an email from Kathy stating that she did not receive the attachments that I sent.

I emailed Kathy another copy of the requested documents and stated that I would send her a hard copy of the requested documents as well.

### **August 14, 2020**

I mailed a hard copy of the requested information to Kathy.

### **July/August 2020**

ODA investigated the pesticide contamination in compost and found that **Yamhill County Mushrooms** had clopyralid present in their compost (Refer to ODA Case #200405 for more details).

**Sampling Plan**

**Samples taken May 20, 2020**

Based on the complaint of pesticide contamination and site evaluation, I determined that sampling was appropriate to analyze possible pesticide residues. I decided to take a series of 1 vegetation sample and 1 soil sample (see attachment Sample Map 1 200408). Samples were taken at the following locations indicated below to determine the presence of pesticides. Each sample was collected wearing alcohol-rinsed nitrile gloves and placed into a new sterile sample collection container. Mylar bags were used to collect the samples. After the samples were taken, they were placed in a cooler with ice packs. Samples were hand delivered to the ODA lab in Portland on May 20, 2020 and put on Priority 1.

<u>Sample #</u>	<u>Type</u>	<u>Location</u>
<u>Results</u>		
NUF-200408-1	Soil	Composite from soil piles
Aminocyclopyrachlor - No Detect		
Aminopyralid - No Detect		
Clopyralid - No Detect		
Picloram - No Detect		
NUF-200408-2	Tomato veg.	Inside greenhouse
Aminocyclopyrachlor - No Detect		
Aminopyralid - No Detect		

**Clopyralid - 0.048 PPM**

Picloram - No Detect

**Samples taken June 15, 2020**

Based on the complaint of pesticide contamination, I determined that sampling was appropriate to analyze possible pesticide residues. I decided to take a series of 2 soil samples (see attachment Sample Map 2 200408). Samples were taken at the following locations indicated below to determine the presence of pesticides. Each sample was collected wearing alcohol-rinsed nitrile gloves and placed into a new sterile sample collection container. Mylar bags were used to collect the samples. After the samples were taken, they were placed in a cooler with ice packs. Samples were hand delivered to the ODA lab in Portland on June 15, 2020 and put on Priority 1.

<b>Narrative</b>			
<u>Sample #</u>	<u>Type</u>	<u>Location</u> <u>Notes</u>	<u>Results</u>
NUF-200408-3 No Detect	Soil *(written as "AUF" on sample bag; should be "NUF")	Scottish blended soil	Aminocyclopyrachlor -
			Aminopyralid - No Detect
			Clopyralid - No Detect
			Picloram - No Detect
NUF-200408-4 No Detect	Soil *(written as "AUF" on sample bag; should be "NUF")	Compostuff	Aminocyclopyrachlor -
			Aminopyralid - No Detect
			Clopyralid - No Detect
			Picloram - No Detect

### **Samples taken July 16, 2020**

Based on the complaint of pesticide contamination and site evaluation, I determined that sampling was appropriate to analyze possible pesticide residues. I decided to take 1 soil sample (see attachment Sample Map 1 200408). The sample was taken at the following location indicated below to determine the presence of pesticides. The sample was collected wearing alcohol-rinsed nitrile gloves and placed into a new sterile sample collection container. I collected the sample, divided it into two mylar bags, placed an ODA sample seal on the sample bags, and provided the complainant with one of the sample bags. After the sample was taken, it was placed in a cooler with ice packs. Sample was hand delivered to the ODA lab in Portland on July 16, 2020 and put on Priority 1.

<u>Sample #</u>	<u>Type</u>	<u>Location</u>	<u>Results</u>
NUF-200408-5 Aminocyclopyrachlor - No Detect	Soil	Composite from soil piles	
			Aminopyralid - No Detect
			Clopyralid - No Detect
			Fluroxypyr - No Detect

No Detect

### **License Review**

No license was reviewed because no pesticide application was identified in this investigation.

### **Application/Label Review**

No label was reviewed because no pesticide application was identified in this investigation.

### **Investigator Recommendation**

I followed up on a complaint from Kathy Schreiber that she suspects a batch of compost she had delivered from McFarlane's Bark had herbicide in it. After visiting the site, I saw damage in her tomato plants that looked similar to herbicide type damage. I took a vegetation and soil sample to determine if there were pesticide residues in Kathy's plants and soil. I also took soil samples from McFarlane's Bark. The lab analysis found residues of the pesticide active ingredient clopyralid in the sample taken from the tomato plants at Kathy's property. After investigating further, I found that Kathy had used a mushroom compost that had originally been produced by Yamhill County Mushrooms. ODA investigated the pesticide contamination in compost and found that Yamhill County Mushrooms had clopyralid present in their compost, but had not made any pesticide applications themselves (Refer to ODA Case #200405 for more details). From this investigation, no pesticide applications were identified. I recommend that no further action be taken with this case and refer to ODA Case #200405 for recommendations with Yamhill County Mushrooms.

## **Conclusion**

ODA responded to this complaint and analyzed environmental samples, and found no violations of ORS Chapter 634. It appears that herbicidal impacts are due to clopyralid in compost, which is being investigated in case 200405.

## Attachments

<b>Attachment Name</b>	<b>Type</b>
Case Notes 200408.zip	Case notes
Emails 200408.pdf	Correspondence
Lab Analysis 1 200408.pdf	Misc.
Lab Analysis 2 200408 .pdf	Misc.
Lab Analysis 3 200408.pdf	Misc.
Photos and Log 200408.zip	Photos
ROL Form 200408.pdf	Forms
Sample Map 1 200408.pdf	Maps
Sample Map 2 200408.pdf	Maps
Sample Map 3 200408.pdf	Maps

## Enforcement Summary

<u>Name</u>	<u>License Type</u>	<u>Prohibition Violated</u>	<u>Number of Actions</u>	<u>Action</u> NONE	<u>CP Paid?</u>	<u>Notice Issued</u>	<u>Notice Served</u>	<u>Orig CP Amount \$</u>	<u>Hearing Regsted</u>	<u>Informal Held</u>	<u>Final Order Date</u>	<u>Actual CP Amount \$</u>
TOTAL Orig CP Amount \$								TOTAL Actual CP Amount \$				